

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
Asheville Division**

**FILED  
ASHEVILLE, N.C.**

<b>UNITED STATES OF AMERICA</b>	)	<b>1:07cr69</b>	<b>MAR 12 2008</b>
<b>v.</b>	)		<b>U.S. DISTRICT COURT W. DIST. OF N.C.</b>
<b>HENDERSON AMUSEMENT, INC.</b>	)	<b>1:07cr69-01</b>	
<b>JAMES OTIS HENDERSON</b>	)	<b>1:07er69-02</b>	
<b>BARRON SLOAN HENDERSON</b>	)	<b>1:07er69-03</b>	
<b>JERRY PENNINGTON</b>	)	<b>1:07er69-04</b>	
<b>JEFFREY LEE CHILDERS</b>	)	<b>1:07er69-05</b>	
<b>HAROLD STEVE HARTNESS</b>	)	<b>1:07er69-06</b>	
<b>DENNIS CLARY</b>	)	<b>1:07er69-14</b>	
<b>ROBERT MERRYMAN</b>	)	<b>1:07er69-21</b>	

**ORDER**

The matter is before the Court on the government's motion to dismiss the indictment returned in this case against defendants Henderson Amusement, Inc., James Otis Henderson, Barron Sloan Henderson, Jerry Pennington, Jeffrey Lee Childers, Harold Steve Hartness and Dennis Clary.<sup>1</sup>

For good cause shown,

It is hereby **ORDERED** that the government's motion is **GRANTED**.

Accordingly, it is further **ORDERED** that the indictment in this matter is **DISMISSED** against defendants Henderson Amusement, Inc., James Otis Henderson, Barron Sloan Henderson, Jerry Pennington, Jeffrey Lee Childers, Harold Steve Hartness and Dennis Clary.

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<sup>1</sup> The government also requests that the instant indictment be dismissed against defendant Imran Alam following his sentencing hearing, and that all counts of the indictment against defendant Robert Merryman to which he did not plead guilty be dismissed. These dismissals will be addressed by separate orders once these defendants are sentenced.

The Clerk is directed to send a copy of this Order to the Probation Office and all counsel of record.

/s/

March 12, 2008  
Alexandria, VA

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T. S. Ellis, III  
United States District Judge